

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 3968-01
BILL NO.: HB 1794
SUBJECT: Crime and Punishment
TYPE: Original
DATE: February 29, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	(\$45,185)	(\$55,603)	(\$57,018)
Total Estimated Net Effect on <u>All</u> State Funds	(\$45,185)	(\$55,603)	(\$57,018)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	Unknown	Unknown	Unknown

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator (CTS)** assume the proposed legislation would authorize 'donations' to county law enforcement funds as a condition of probation. Assuming local sheriffs are responsible for collecting and accounting for the 'donations' and the resulting coordination with Probation and Parole, there should not be a significant workload impact on the judiciary, unless there is an increase in probation and revocation hearings. If there is a significant increase in probation and revocation hearings, there would be a corresponding increase in the workload and budget of the judiciary.

Officials from the **Office of the State Auditor (SAU)** assume the proposed legislation would result in the need for additional staff hours to be spent on county audits. SAU estimates the additional personal service, fringe benefits, and expense and equipment to be \$45,185, \$55,603, and \$57,018 for fiscal years 2001, 2002, and 2003, respectively.

In a response to similar legislation, officials of the **Department of Corrections (DOC)** assumed this proposal, if enacted, would expand the definition of probation in that a judge could impose on an offender as a condition of probation to make a donation of a designated amount to a County Law Enforcement Fund. If additional persons were revoked from probation for failing to donate money and were sentenced to the custody of the DOC due to the provisions of this proposal the DOC would incur a corresponding increase in operational costs either through incarceration (average \$35.00 per inmate, per day). Collection of court-ordered fees and restitution is currently a duty of probation officers. If probation officers are required to coordinate collection efforts with county personnel, this added condition could require an increase of staff time. DOC officials were unable to estimate the fiscal impact, but assume that the impact would be minimal.

The need for additional capital improvements or rental space is not anticipated at this time. It must be noted that the cumulative effect of various new legislation, if adopted, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity.

Oversight assumes for purposes of this fiscal note that any payment designated by the court would be made prior to the individual receiving probation. Therefore, there would not be any increase in probation revocation hearings or instances of revoked probation due to nonpayment. Oversight further assumes there could be unknown revenues to counties as a result of this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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GENERAL REVENUE FUND

Office of the State Auditor

<u>Cost - Personal Service</u>	(\$31,500)	(\$38,745)	(\$39,714)
Fringe Benefits	(\$9,686)	(\$11,914)	(\$12,212)
Expense and Equipment	(\$3,999)	(\$4,944)	(\$5,092)

**ESTIMATED NET EFFECT ON
 GENERAL REVENUE FUND**

(\$45,185)	(\$55,603)	(\$57,018)
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<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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<u>Income - County Law Enforcement Fund</u> donations	Unknown	Unknown	Unknown
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation includes the donation to a county law enforcement fund as a condition of probation that a court may order. The proposal requires that an annual audit of the fund must be conducted by the county or state auditor. Expenditures from the fund must have the approval of the majority of certain local officials.


This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

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Office of the State Courts Administrator
Department of Corrections
Office of the State Auditor

NOT RESPONDING: Office of the Attorney General and Department of Corrections


Jeanne Jarrett, CPA
Director
February 29, 2000